

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAUL SIMONDS,) Case No. C08-440-JLR-JPD
Plaintiff,)
v.)
S.S.I., et al.,) REPORT AND RECOMMENDATION
Defendants.)

Plaintiff Paul Simonds, appearing *pro se*, recently filed an application to proceed *in forma pauperis* (IFP) and a proposed civil rights complaint. Dkt. No. 1-1. Among other problems, the complaint is unintelligible, contains inappropriate statements, and fails to clarify all of the specific defendants named.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). An action is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

Here, plaintiff fails to allege sufficient facts to place the defendants on notice of the nature of his claims or otherwise provide any basis for jurisdiction in this Court. *See* Fed. R. Civ. P. 8(a). Because this action appears frivolous and fails to state a claim upon which relief

01 can be granted, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of
 02 Civil Procedure 12(b)(6).

03 Plaintiff has submitted a large number of similar proposed complaints to this Court.¹
 04 The Court once again advises plaintiff of his responsibility to research the facts and law before
 05 filing a complaint in order to determine whether his claim for relief is frivolous. If plaintiff files
 06 a frivolous action, he may be sanctioned. *See Fed. R. Civ. P. 11.* The Court would likely
 07 impose a sanction of dismissal on any frivolous complaint. If plaintiff files numerous frivolous
 08 or malicious complaints, the Court may bar him from proceeding in this court. *See DeLong v.*
 09 *Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order requirements).

10 Because of the deficiencies in plaintiff's proposed complaint, his request to proceed IFP
 11 should be DENIED and this case DISMISSED without prejudice. 28 U.S.C. § 1915(e)(2)(B).
 12 A proposed order of dismissal accompanies this Report and Recommendation.

13 DATED this 31st day of March, 2008.

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 16 JAMES P. DONOHUE
 United States Magistrate Judge

21 ¹ Plaintiff is a prolific litigator who has filed several similar lawsuits in the past against
 22 various judges, attorneys, and other officers in this district. *See, e.g., Simonds v. Fox*, C08-346-
 23 RAJ (W.D. Wash. 2008); *Simonds v. SSI*, C08-220-JLR (W.D. Wash. 2008); *Simonds v.*
Sweepstakes, C08-126-TSZ (W.D. Wash 2008); *Simonds v. Fox*, C08-46-JCC (W.D. Wash. 2008);
Simonds v. Ninth Circuit, C07-1353-MJP (W.D. Wash. 2007); *Simonds v. Fox*, C07-1250-MJB
(W.D. Wash. 2007); *Simonds v. Social Sec. Admin.*, C07-741-MJP (W.D. Wash. 2007); *Simonds*
24 *v. Canby* (II), C07-536-MJP (W.D. Wash. 2007); *Simonds v. Martinez*, C07-523-TSZ (W.D. Wash.
25 2007); *Simonds v. Donohue*, C06-1588-JLR (W.D. Wash. 2006); *Simonds v. Zilly*, C06-1385-RSL
(W.D. Wash. 2006); *Simonds v. Fox* (II), C06-1384-RSM (W.D. Wash. 2006); *Simonds v. Fox* (I),
26 C04-2473-JCC (W.D. Wash. 2005); *Simonds v. Canby* (I), C05-1887-JCC (W.D. Wash. 2005).